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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/693,204 | WARRINGTON ET AL. | |
| | Examiner | Art Unit | |
| | Diana B. Johannsen | 1634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 01 July 2004 and the interview of 27 September 2004.
2. ☒ The allowed claim(s) is/are 12 and 13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>part of 0904</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sandra E. Wells on September 27, 2004.

2. Amend the claims as follows:

In claim 13, at line 6, delete "said first biological sample" and insert therefore—said biological sample--.

In claim 13, at line 14, delete "Lysyl-tRNA synthetase,".

Renumber claim 13 as claim 1.

Renumber claim 12 as claim 2.

3. Amend the specification as follows:

At page 7, line 6, after "08/624,133" insert—(now abandoned)--.

At page 7, line 7, after "09/070,689" insert—(now U.S. Patent 6,114,122)--.

At page 7, line 10, after "08/456,598" insert—(now U.S. Patent 6,225,625)--.

At page 7, line 10, after "09/238,131" insert—(now U.S. Patent 6,270,644)--.

At page 7, line 10, after "08/856,642" delete "(now allowed)" and insert therefore—(now U.S. Patent 5,981,956)--.

At page 7, line 10, after "09/295,214" insert—(now U.S. Patent 6,207,960)--.

At page 7, line 11, after "08/456,782" insert—(now abandoned)--.

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At page 7, line 11, after "08/999,188" insert—(now U.S. Patent 6,491,871)--.

At page 7, line 16, after "09/309,328" insert—(now U.S. Patent 6,197,516)--.

At page 7, line 17, after "09/020,743" insert—(now U.S. Patent 6,420,108)--.

At page 7, line 17, after "08/531,137" insert—(now U.S. Patent 5,974,164)--.

At page 7, line 17, after "09/158,764" insert—(now U.S. Patent 6,242,180)--.

At page 7, line 17, after "09/049,805" insert—(now U.S. Patent 6,733,964)--.

At page 7, line 17, after "08/828,952" insert—(now U.S. Patent 6,600,996)--.

At page 7, line 17, after "08/948,896" insert—(now U.S. Patent 6,066,454)--.

Substance of the Interview of September 27, 2004

4. On September 27, 2004, the examiner contacted Applicant's representative and proposed additional amendments to the claims that would place the application in condition for allowance. With regard to Applicant's addition of "Lysyl-tRNA synthetase" in claim 13, the examiner proposed deleting this addition as the originally filed specification does not appear to provide basis for the recitation of this particular gene. With regard to the other genes added to claim 13 by Applicant's most recent amendment, the examiner noted that the specification provided both basis for the recitation of these gene names, as well as expression levels for each gene. Applicant's representative agreed to the examiner's proposed amendment, and claims 12-13 are therefore allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in dark ink, appearing to read "Diana B. Johannsen", followed by a long, sweeping horizontal line that extends to the right.

Diana B. Johannsen
Primary Examiner
September 27, 2004